

Remarks

For the Claims:

The applicants submitted claims 1-20, of which claims 1, 3, and 12 were independent claims. The Office Action rejects claims 1-20, i.e., all claims. The applicants herein amends claims 1 and 3, and retain claims 2 and 4-20 as originally and previously submitted. The applicants respectfully request reconsideration.

The Office Action rejects claims 1-5 and 7-11 under 35 U.S.C. 102(b) as being anticipated by Brown, U.S. Patent No. 1,848,214 (hereinafter Brown). The Office Action asserts that Brown teaches a display unit with a back panel 6, a bottom panel 4, a left panel 1, a right panel 2, a top panel 11 coupled between the left and right panels and oblique to the bottom panel, and divider strips 10 substantially coincident with top edges of the left and right panels.

The applicants herein amend independent claims 1 and 3 to more strongly indicate the planar nature of the top panel. In independent claims 1 and 3, the applicants claim:

- a substantially horizontal and planar bottom panel;
- a substantially planar left panel coupled to said bottom panel;
- a substantially planar right panel coupled to said bottom panel; and
- a substantially planar top panel coupled between said left and right panels...

This is fully supported in the Figures and in the specification, which states [emphasis added]:

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[0030] Display unit 100 is made up of a top panel 110, a base or bottom panel 120, a left panel 150, and a right panel 160. *Each of panels 110, 120, 150, and 160 is substantially planar.*

Brown teaches a display for the sale of bananas. Brown clearly states in the paragraphs beginning on page 1, line 75, and page 2, line 3 [emphases added]:

It is a well known fact in the fruit, and particularly the banana industry, that when the ends of bananas come in contact with other bananas or when a hand of bananas is laid on a hard unyielding surface that the bananas quickly become spotted and are therefore not readily salable. With my improved structure this difficulty is overcome as *the bananas are supported on a looped strip of fabric material* which will not bruise the same.

The sides 1 and 2 adjacent the curved upper edge thereof are each provided with a plurality of apertures 9 through which the ends of the rod[s] 10 extend. A fabric strip 11 has secured thereto at spaced intervals the relatively narrow strips 12 which form supports for the fabric strip 11 *to maintain the same in looped formation* on the rods 10 as is more clearly indicated in FIG. 2. Each one of these looped portions 13 is adapted to receive a hand or several hands of bananas and the distance between the rods 10 is of sufficient length to prevent the ends of the bananas of one hand from coming into contact with the bananas of a hand placed in the next higher loop 13. It will be noted that since *the loops 13 are arranged in stepped relation* that the upper layer of bananas on each hand will be exposed to view.

Brown specifically teaches a "top panel" that is looped and must be looped to serve its function. To modify Brown to have a substantially planar top panel would be to place the "looped strip of fabric material" [page 1, column 2, lines 83-84] forming the top panel of Brown under considerable tension. This would render the fabric material stiff and unyielding, potentially

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bruising the bananas supported thereby. Brown specifically teaches away from the use of any stiff and unyielding surface.

Therefore, Brown specifically teaches away from what the applicants claim in independent claims 1 and 3. Furthermore, to modify Brown to what the applicants claim in independent claims 1 and 3 would be to render Brown incapable of fulfilling Brown's function as specifically taught by Brown. It is not obvious to one of ordinary skill in the art to so modify Brown.

Brown also teaches that "the loops 13 are arranged in stepped relation." Brown specifically teaches a stepped, not a planar top panel. A stepped top panel does not have a planar surface that is oblique to the bottom panel, as claimed by the applicants. Any modification of the top panel to remove the stepped characteristics thereof would render the top panel less capable of maintaining the bananas in the desired relationship, and would contravene the specific teachings of Brown. For this reason, too, one of ordinary skill in the art would not find it obvious to so modify Brown.

The applicants believe independent claims 1 and 3 to be allowable, as amended, over Brown. The applicants respectfully request reconsideration of independent claims 1 and 3.

Claims 2, 4-5, and 7-11 depend, either directly or indirectly, from independent claim 1. Inasmuch as independent claim 1 is believed to be allowable, claims 2, 4-5, and 7-11 dependent therefrom are also believed to be allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claims 2, 4-5, and 7-11.

The Office Action rejects claim 2 under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Broersma, U.S. Patent

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No. 2,532,600 (hereinafter Broersma). The Office Action asserts that, while Brown fails to teach divider strips coupled to the top panel, Broersma does, and that it would have been obvious to one of ordinary skill in the art to combine the teachings of Broersma with those of Brown.

Brown teaches, as stated in the paragraph beginning on page 2, line 3, *supra*, and as demonstrated in FIG. 2, the rods 11 are supports for top panel 11. They are not divider strips as claimed by the applicants in claim 2. This is provable by a simple analysis.

Referring to FIG. 2 of Brown, if top panel 11 were to be shrunk so as to be taut between front panel 2 and back panel 6, then top panel 11 would form a series of planar surfaces between each of rods 10 and an adjacent rod 10 or panel 2 or 6. Rods 10 would then be below top panel 11 and not be capable of serving as the divider strips claimed by the applicants in claim 2. It is demonstrable, therefore, that support rods 10 are not divider strips as claimed by the applicants in claim 2

The applicants believe claim 2 to be allowable as originally submitted over Brown in view of Broersma. In addition, claim 2 depends directly from independent claim 1. Inasmuch as independent claim 1 is believed to be allowable, claim 2 is also believed to be allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claim 2.

The Office Action rejects claim 6 under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Breining et al., U.S. Patent No. 4,150,752 (hereinafter Breining). The Office Action asserts that, while Brown fails to teach wall mounting holes in

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the back panel, Breining does, and that it would have been obvious to one of ordinary skill in the art to combine the teachings of Breining with those of Brown.

Breining teaches a small, lightweight display intended for attachment to a vertical surface via a fastener passing through a hole in the back wall of Breining and into the vertical surface. That is, Breining is designed and constructed to hang from a screw or nail.

Brown, on the other hand, teaches a larger, more massive display than that of Breining. The assertion by the Office Action, that one of ordinary skill in the art would find it obvious to use the mounting method of Breining, i.e., a screw hole or holes in the back panel, to mount the display of Brown to a vertical surface, is specious. The display of Brown is intended for the display and sale of bananas, and, as depicted in FIGs. 1 and 4 of Brown, is designed to hold at least 15 hands of bananas. This represents a significant mass, to which must be added the mass of the Brown display itself. Analysis of the design and construction of the Brown display as portrayed in the Figures, i.e., a total absence of bracing or other reinforcing apparatuses, would leave one of ordinary skill in the art to conclude that the Brown display should be supported from underneath. That is, even though Brown is silent upon the manner in which the display should be supported, it is obvious that the design and construction of the brown display virtually requires support from underneath. One of ordinary skill in the art would not find it obvious to modify Brown to use the support method of Breining.

The applicants believe claim 6 to be allowable as originally submitted over Brown in view of Breining. In addition, claim 6 depends directly from independent claim 1. Inasmuch as

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independent claim 1 is believed to be allowable, claim 6 is also believed to be allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claim 6.

The Office Action rejects claims 12-20 under 35 U.S.C. 103(a) as being unpatentable over Brozak, Jr., U.S. Patent No. 6,443,317 (hereinafter Brozak) in view of Hessell et al., U.S. Design Patent No. D465,353 (hereinafter Hessell). The Office Action asserts that Brozak teaches left and right frames onto which mirror 16 is mounted, that indicia is mountable at 10, and that it would have been obvious to one of ordinary skill in the art to substitute the display units of Hessell for display units 2 in order to hold/display more eyeglasses. The Office Action also asserts that whether the top panel is oblique to the bottom panel (presumably in reference to Hessell) is a matter of choice.

In independent claim 12, the applicants' claim:

- a left frame;
- a right frame;
- a plurality of display units, wherein each of said display units is coupled between and supported by said left frame and said right frame...

The Office Action asserts that Brozak teaches a display system in which display units are mounted between frames, and that it would have been obvious to mount multiple Hessell displays in the system of Brozak.

In the Random House Webster's Unabridged Electronic Dictionary, copyright © 1999 by Random House, Inc., the first two definitions of the term "support" are:

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1. to bear or hold up (a load, mass, structure, part, etc.);
serve as a foundation for.
2. to sustain or withstand (weight, pressure, strain, etc.)
without giving way; serve as a prop for.

The frames claimed the by the applicants are structural members and support the display units. This is demonstrated by FIGs. 8 and 9, which clearly show frames 202 and 204 supporting a plurality of display units 100. This is also described by paragraphs [0060] and [0061] of the specification, which state:

[0060] In the preferred single-faced embodiment of FIG. 8, five display units 100 are positioned vertically between rigid left and right frames 202 and 204, along with a mirror 208 and signage 206. Being single-faced, display system 200 faces in a single given direction 210. Each display unit 100 also faces in this given direction.

[0061] Mounting holes 184 are located in left and right panels 150 and 160 of each display unit 100. These mounting holes 184 line up with a vertical line of mounting holes 184 in left and right frames 202 and 204. Frames 202 and 204 may be attached to display units 100 through mounting holes 184 using conventional bolts and nuts.

The structure of Brozak is radically different from the structure of the present invention. As is clearly shown in FIG. 5 of Brozak, a display panel 2 rests on and in a horizontal portion of a receiving unit 3. This horizontal portion forma a base or "foundation" that supports the mass of display panel 2.

Also, as is clearly shown in FIGs. 1, 6, and 7, receiving unit 3 comprises vertical members 50 that interlock with display panel 2. While vertical members 5 serve to stabilize display panel 2, they do not support its mass, and are therefore not frames.

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FIGs. 8 and 9 of the present invention clearly show that left and right frames 202 and 204 wholly support the mass of multiple display units 100. This is not the case with Brozak.

Therefore, Brozak does not teach left and right frames supporting display unit(s) as asserted by the Office Action. Since Brozak fails to teach what is claimed in independent claim 12, the applicants believe claim 12 to be allowable as previously presented over Brozak.

Furthermore, as demonstrated in FIG. 1 of Hessell, the display unit of Hessell is designed to be supported proximate the rear of the display unit. This cantilever support structure exerts a significant amount of stress upon the supporting frame(s). Vertical members 50 of Brozak are not structural members. Therefore, the design of Brozak, by its very nature, teaches away from a cantilever support of a display unit. One of ordinary skill in the art would not find it obvious to use vertical members 50 of Brozak as frames for a cantilever support of the display units of Hessell.

The applicants therefore believe independent claim 12 to be allowable as previously presented over Brozak, either severally or in view of Hessell. The applicants respectfully request reconsideration of independent claim 12.

In claims 16 and 18, the applicants claim the frames are substantially right trapezoids and isosceles trapezoids, respectively. The Office Action asserts the surfaces 14 of Brozak are frames. In column 3, lines 15-21, Brozak clearly states:

...the display unit also comprises surfaces 14 of the receiving unit 3...which can hold mirrors 16 or other items...can display advertisements or additional information concerning the products displayed by the display unit 1.

The structure and attachment of surfaces 14 are clearly depicted in FIG. 1. Not only are surfaces 14 not frames, they are merely flat, non-structural panels affixed to vertical members 50 of receiving unit 3 for the purposes of the fitting, sales, and/or advertising of products. As discussed hereinbefore, vertical members 50 are also not frames in the structural sense.

In addition, the construction of Brozak requires surfaces 14 to be substantially rectangular. One of ordinary skill in the art would not be inspired to replace the rectangular, non-structural surfaces 14 of Brozak with the trapezoidal frames of the present invention, as this would render Brozak unworkable for its intended purposes.

The applicants believe claims 16 and 18 to be allowable as originally submitted over Brozak, either severally or in view of Hessel. In addition, claims 16 and 18 depend indirectly from independent claim 12. Inasmuch as independent claim 12 is believed to be allowable, claims 16 and 18 are also believed to be allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claims 16 and 18.

In claim 20, the applicants claim a mirror coupled between the left and right frames. The Office Action asserts that Brozak teaches frames 14 onto which mirror 16 is mounted.

First, the assertion that surfaces 14 (or vertical members 50) of Brozak are frames is erroneous for the reasons discussed hereinbefore.

Second, the applicants claim a mirror coupled between the left and right frames. Mounting a mirror **to** a single surface 14 does not constitute mounting a mirror between left and right frames. Brozak does not teach what is claimed.

The applicants believe claim 20 to be allowable as originally submitted over Brozak, either severally or in view of Hessell. In addition, claim 20 depends indirectly from independent claim 12. Inasmuch as independent claim 12 is believed to be allowable, claim 20 is also believed to be allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claim 20.

Claims 13-15, 17, and 19 depend, directly or indirectly, from independent claim 12. Inasmuch as independent claim 12 is believed to be allowable, claims 13-15, 17, and 19 are also believed to be allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claims 13-15, 17, and 19.

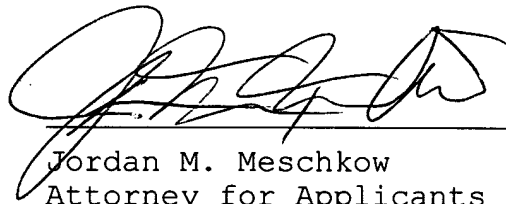
Accordingly, this Amendment amends claims 1 and 3. Currently amended claims 1 and 3 remain in the application and are believed to be allowable. In addition, claims 2 and 4-20 remain in the application as originally and previously submitted and are believed to be allowable.

Applicant believes that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited in the 24 March 2005 Office Action and that the present

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application is now in a condition for allowance. Accordingly,
reconsideration of the present application is respectfully
requested.

Respectfully submitted,



A handwritten signature in black ink, appearing to read 'J. Meschkow', is written over a horizontal line.

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